

CHAPTER V

IN SLEEP A KING

The couplet that concludes Sonnet 87, "Thus have I had thee as a dream doth flatter— / In sleep a king, but waking no such matter," was singled out for approval by W. H. Auden.¹ And the figure of the dream as a false courtier, telling the poet that he was everything, followed by the bleak awakening to reality, is unquestionably fine. But to understand the relevance of this couplet to the whole sonnet and thus to feel its full weight, one must understand a king's power—or what the Elizabethans called his royal prerogative.

"Questions of the king's power in Tudor England tended," G. R. Elton has explained, "to resolve themselves into the question of his relation to the law."² "In warre time, and in the field," wrote the Tudor statesman and scholar Sir Thomas Smith, the king exercises "absolute power, so that his worde is a law." "The prince useth also absolute power," Smith continued, "in crying and decreeing the money of the realm by his proclamation only." He then listed as a third prerogative that which is chiefly relevant to Sonnet 87: "the prince useth also to dispense with lawes made, whereas equitie requireth a moderation to be had, and with paynes for transgression of laws, where the payne of the lawe is applyed onely to the prince."³ This personal exemption enjoyed by the king was detailed by William Stanford, another Tudor scholar: "the laws do attribute unto him all honour, dignity, prerogative and preeminence, which prerogative doth not only extend to his own person but also to all other his possessions, goods and chattels. As that his person shall be subject to no man's suit, his possessions cannot be taken from him by any violence or wrongful disseisin, his goods and chattels are under no tribute, toll nor custom, nor otherwise distrainable."⁴ The conduct of King Lear shows that Shakespeare understood these unique royal prerogatives. When Lear enters to the blind Gloucester, he begins: "No, they cannot touch me for coining; / I am the king himself." He then exercises his absolute power over military affairs and, more especially, his right to impress soldiers: "There's your press money." It was this prerogative, we may recall, that Falstaff abused when

he was acting as King Henry's agent. The prerogative Lear is chiefly concerned with, however, that which accompanies his mad effort to prove himself "every inch a king," is the right, on behalf of equity, to set aside individual legal judgments. He pardons one man's life in a "cause" of adultery; releases a whore from the whipping stake; and, after a survey of the law's subjection to influence, decrees, "None does offend, none—I say! I'll able 'em."

The limits of royal prerogative during Shakespeare's life cannot be precisely defined. Queen Elizabeth, who enjoyed a greater and a more reliable power than her successor, claimed less and, what is probably more important, asserted her claim in a manner both equivocal and ingratiating: "I trust by the almighty power of God, I still shall be his instrument to preserve you . . . And though God hath raised me high, yet this I count the glory of my crown, that I have reigned with your loves."⁵ James, who was a stricter scholar but a less clever politician, spoke more positively and dogmatically: "As for the absolute prerogative of the Crown, that is no subject for the tongue of a lawyer, nor is lawful to be disputed."⁶ The English actually denied that the king was above the law when that question forced itself upon them: Richard Hooker insisted in 1590, "Lex facit regem";⁷ and John Cowell's assertion in *The Interpreter* of 1607 that the king was "above the law by his absolute power" was fiercely repudiated by the House of Commons.⁸ Nevertheless, during the period when Shakespeare must have composed Sonnet 87, an English monarch enjoyed as his prerogative a personal exemption from legal action, and he possessed the right, "whereas equitie requireth a moderation," to exempt from the constraints of institutional legality other individual persons as well.

The first twelve lines of 87 are developed, as has been widely recognized, in legal diction:

Farewell! thou art too dear for my possessing,
And like enough thou know'st thy estimate.
The charter of thy worth gives thee releasing;
My bonds in thee are all determinate.
For how do I hold thee but by thy granting,
And for that riches where is my deserving?
The cause of this fair gift in me is wanting,
And so my patent back again is swerving.
Thyself thou gav'st, thy own worth then not knowing,
Or me, to whom thou gav'st it, else mistaking;
So thy great gift, upon misprision growing,
Comes home again, on better judgment making.

Throughout the poem Shakespeare has equated the loss of his friend or, more precisely, the failure of their relationship with the cancellation of a contract. This means, of course, that, as one reads it, he must consider the adequacy of such an institutional practice to explain and to accommodate

the rights and the loyalties of personal affection.

The impression of a legal sensibility and of legal proprieties especially pervades the first two quatrains. In the first one there are such insistently contractual terms as "charter," "bonds," and "determinate"; and these infect "possessing," "estimate," and "releasing." Since all these terms relate to the laws of property, moreover, "dear" and "worth" assume financial, materialistic values. The first line of the poem, we should notice, begins as a paradox: how could a friend be "too dear," that is, too beloved, to be held in one's continuing affection? Understanding "dear" to mean expensive, however, and interpreting "possessing" as legal seisin, one understands the matter very well: something might easily be too costly for the poet to own. The second quatrain maintains the equation between love and law, presenting the reader with more terms obviously suggestive of the rights of property, such as "patent," "riches," and "granting"; and, by the use of these, filling "hold," "gift," and "cause" with similarly legalistic implications. The first quatrain pronounced the state of the "bonds" of affection between the poet and his friend as "determinate"; the second, as its first word indicates, presents the grounds of this determination. Line 5 explains the poet's rights over the friend as a form of feudal tenure: his "hold" is not fee-simple, but a lease granted by his lord. The next lines ask the basis of this grant; deny that there is a sufficient basis; and—"so"—make the judgment that the grant, although it may have the dignity of a "patent," must revert. Every line in these two quatrains defines a separate statement, a single independent clause; and this formal stiffness of organization reinforces the persistent legalistic stiffness of the argument.

The third quatrain has terms of a legal and contractual force, as the first two did: it repeats two words, "worth," and "gift," which the legal context has already influenced; and it introduces "misprision" and "judgment." This quatrain does not show the steadiness of movement, however, nor the firmness of utterance that prevailed in the first two. Although each line-pair contains its own independent statement, each one presents a distinct movement and a movement which, in both cases, presents special problems and uncertainties. The first statement is defined in the first half-line and then extensively modified, whereas the subject and the predicate of the second, both of which are embedded in modification, are deployed in separate lines. The participle phrase defined by line 10 opposes the phrase confined to the second half of line 9: both this opposition itself and the imbalance of its organization bring uncertainty into the poem. And what is here opposed, of course, is alternative errors. The statement that the friend has made some kind of error in judgment is extended, moreover, by the suggestion of an error in conduct: he may have mis-taken the poet, that is, he may have grasped the poet's affection under false pretenses. The meaning of lines 11 and 12 is still more slippery. The phrase, "upon

misprision growing," can go either backward with "thy great gift," modifying "gift" as an adjectival phrase, or forward with "Comes home again," adverbially modifying "Comes." And the nature of this growth is, accordingly, problematical. If the phrase, "upon misprision growing" is considered an inversion, then the "gift" must be understood to have taken root in "misprision," in error. The impression that this event is past, which the preceding line-pair promotes, enforces this meaning, which would, of course, make the friend's present action seem just. If one takes the phrase as it comes, however, considering the event it describes to be present, "misprision" is the growth, which is now rooted in the friend, and his present action must be condemned. No matter how this ambiguity is determined, "growing" resists the legal equation that has been imposed on the present failure of personal affection.

The last half-line of the third quatrain, however, reimposes this legal equation, which has been, as we just saw, under serious human and personal pressure. The present "judgment" cancels the former "misprision," opposing this term in sense while enforcing its tone; and the legal determination of the relationship, because of this final suppression of all personal considerations, seems at the end of the third quatrain to have been firmly established.

Although the term "judgment," as it is used here, probably carries enough weight to assure a modern reader's recognition of this effect, that is, the final clamping of legal procedures upon the poet's personal affection, it would have impressed an even greater and more precisely focused legality upon an Elizabethan mind. The word "judgment," as Mark Edwin Andrews has pointed out, stood in sixteenth century England for a legal verdict handed down by a court of common law.¹⁰ As George Spence has explained in *The Equitable Jurisdiction of the Court of Chancery*, "The judgments of the common law, following the writ on which the action was founded, were uniform, simple and invariable, according to the nature of the action."¹¹ Another legal historian, the famous Holdsworth, has explained, further, that in handing down their judgments, "the common law courts . . . simply decided the specific issue raised by the pleadings."¹² The chancery courts, whose concern was not "law" but "equity," opposed the rigid legalism of these judgments at law. "In equity," Holdsworth points out, "the court considered the whole circumstances of the case made by the bill and answer, and tried to make a decree which would give effect to the rights of all the parties according to the circumstances."¹³ Andrews has argued at length that *The Merchant of Venice* is a fictional argument in favor of equity. As he has explained, Englishmen were deeply concerned during the 1590s by the conflicting claims of the courts of chancery, which handed down "decrees in personam" and the courts of common law, which made "judgments in rem."¹⁴ In *The Merchant of Venice* when Shylock

proclaims, "I stand here for the law," and calls again and again for a "judgment," Shakespeare could confidently expect his audience, Andrews argues, to recall the rigidities of strictly legal verdicts and their individual inequities. The term "judgment" also carries such weight in Sonnet 87.

The strictly legal disposition of human affairs, for which "judgment" stands, although persistently evident in this poem and finally presented as triumphant, has been continuously subjected to pressure from personal factors, from factors of the kind, that is, that would be relevant to the achievement of equity. This pressure, which we have already acknowledged in the third quatrain, is also implicitly present in the first two. The paradox in line 1 implies the force and scope of personal affection: its point, which the reader modifies only in retrospect, is, surely, that no friend can be "too dear," too beloved. Line 2, although it provides the legal, the contractual, frame of reference by which one corrects the paradox in line 1, also enforces the claim of personal feeling—although in a different way: the tone of the expletival "like enough" is not absolutely definable, but it evidently suggests some personal reproach, especially since that which it is "like enough" that the friend knows is his *own* "estimate." This line, then, adds some personal emotions, if not those of affection, to the present cause and prompts the reader to recognize that, despite the legal motives attributed to the friend and sanctioned by the poet, this is not a strictly legal matter. The second quatrain maintains the personal nature of the case, thrusting that, indeed, as a recalcitrant fact into the legal workings. What are the "riches" the poet has held on grant from this estimable lord? Not a tract of land nor a pension, but "thee." This is such a grant as no prince ever granted before. It was, rather, the vassal, whose tenure was granted him from above, who pledged himself. But, of course, the vassal's pledge of personal allegiance could not be described as a grant. The term "wanting" in line 7 resists the procedures of law in a different way. Its primary meaning, lacking, suits the indicated legalities: the poet lacks grounds for a cause against the friend. But since "wanting" sometimes means needing and sometimes desiring, this term does suggest valid personal claims the poet might raise: there are other causes besides a narrowly contractual cause. "Swerving," finally, seems usually to have indicated a deviance from the right in Shakespeare's usage—we may recall Antony's "most unnobel swerving," for example. And in the first two quatrains Shakespeare has given a number of reasons for us at least to entertain such an interpretation of the friend's present procedure.

The three quatrains of 87 present a legal determination of a case of love, a "judgment," which ignores the rights of affection and the claims of personal loyalty. In stating this case, however, it variously implies a need for a more complete and a more human consideration, for what the Elizabethans called "equity." Equity, as we have seen, is the domain, first,

of the courts of chancery and, second, of the king. Actually, equity resided in the king, and chancery was merely his agency.¹⁵ Equity, as Andrews would interpret Shakespeare's full meaning in the *Merchant*, is "mightiest in the mightiest,"

it becomes
The throned monarch better than his crown.
His sceptre shows the force of temporal power,
The attribute to awe and majesty,
Wherein doth sit the dread and fear of kings;
But [equity] is above this sceptred sway,
It is enthroned in the hearts of kings.¹⁶

By the time we reach the couplet of 87, we have been made to feel the relevance, the need, of such a kingly combination of heart and power. The imminence of its appearance, moreover, has been subtly indicated—chiefly by the terms "charter" and "patent." For the king, who was the peak of the legal and political pyramid, the lord in whom all grants and all allegiance terminated, was the chief giver of such documents and such privileges. The reader may wonder which is the king, and which the subject. In the second quatrain, the friend apparently made the grant and issued the patent; but in the first, the charter, if not the bonds, had emerged from another source—from the poet? Nevertheless, by the time he reaches the couplet, the reader should be well aware of the need for one royal heart to consider the bonds of affection in a manner responsive, not merely to the produced proofs of estimation and worth, but also to human needs, commitments, and loyalties.

What he finds, however, is only a flattering dream: a past that has faded like the visions of sleep; and leaves behind, not a royal decree of personal equity, but merely the "matter" at law that was described and established in the quatrains. The fading, insubstantial nature of the kingly presence is underscored by the impossibility of identifying it: has the poet dreamed of *having* or of *being* a king? Has he himself briefly exercised kingly power, or has he fleetingly enjoyed his friend's generous use of kingly prerogative?¹⁷ This uncertainty, which should recall the same kind of uncertainty lurking in the quatrains, emphasizes the tenuity of the poet's dream and enforces the bitter reality, the waking truth, of rationalization and betrayal. As the reader comprehends the inequity of this particular cause, however, he should recognize the universal eminence of personal prerogatives.

Although Shakespeare used legal terminology in several other sonnets, he never again used it in as impressive or illuminating a way as in 87. Legal

language figures significantly only in the first two lines of 30 and in the second quatrain of 13. It permeates 4; but since it is apparently adequate to the argument (that the young man should marry and procreate), it provides at best a slight refinement of the case and at worst a slight distraction from it. The legal representation of the love triangle in 134 is positively detrimental, presenting an obviously imprecise version of the motivations of the friend, the mistress, and the lover, but a version that we have not been given any means to correct. In 46 the law has furnished an easy allegory, the poet representing his heart as the plaintiff and his eye as the defendant in a case that is pointless (as 47 immediately acknowledges) and, despite its Platonic trappings, quite trivial.

The law is referred to with better effect in Sonnet 49:

Against that time (if ever that time come)
 When I shall see thee frown on my defects,
 Whenas thy love hath cast his utmost sum,
 Called to that audit by advised respects;
 Against that time when thou shalt strangely pass
 And scarcely greet me with that sun, thine eye,
 When love, converted from the thing it was,
 Shall reasons find of settled gravity —
 Against that time do I ensconce me here
 Within the knowledge of mine own desert,
 And this my hand against myself uprear,
 To guard the lawful reasons on thy part.
 To leave poor me thou hast the strength of laws,
 Since why to love I can allege no cause.

This is an elegant poem, but a slight one. It is conditional—"if ever that time come"—throughout; and it is equivocal or, better perhaps, uncommitted in attitude until line 11.

For ten lines the poet puts off taking a stand on a situation that, despite an increase in its apparent likelihood throughout the poem, may never arise. He has so completely refrained from betraying his own response to this supposed situation in the first two quatrains, indeed, that he is able to describe a dramatic reversal of attitude in the third. Its first two lines rather strongly suggest an attitude of personal defense and wounded merit; but 11-12, in which the poet raises his hand against himself, indicate that, his "own desert" being small, he will, rather, if the need should arise, defend his friend. Such an attitude is certainly unusual, not to say extreme. But since the poet has assumed it quite voluntarily and done so, moreover, with such easy grace, it is apparently sincere. The sincerity of 49 is augmented by the nature of its diction and its figures. The institutional expressions—"advised respects," "lawful reasons," "allege . . . cause"—are too sparse either to constitute a figurative tissue in themselves or to influence other terms. The impression of a legal sensibility, which hardly exists in the

second quatrain, is strongest in the couplet—too late for it to have any general effect. And even here it lacks the power that focused everything in 87. The term “poor,” for example, spans several meanings indiscriminately: impoverished, pitiable, unworthy. In order to entertain “poor” as an element of this poem, the reader must comprehend all these meanings at once.

This expressive diffuseness of 49 is owing not only to the sparseness of its legal terminology, but also to the presence of several other figurative strands. In quatrain three, for instance, “ensconce” introduces a military or, possibly, a constabulary suggestion. And this is extended by the image of the poet’s uprearing his hand to guard his friend’s lawful interests. The likening of the friend’s eye to the sun and the repeated concern with his actual countenance and conduct further diffuse the figurative force of this poem. A couple of these descriptive phrases, “settled gravity” and “strangely pass,” are beautifully expressive. The syntactic demotion of the friend from a substantive, *stranger*, to an adverb, *strangely*, makes him virtually dissolve or turn into a ghost before our eyes, a poetic effect that precisely expresses the living development the poet is here entertaining. But the very power of such incidental, such transient, effects assures the general diffuseness I am describing. Each figure, including those taken from business and law, has an immediate rather than a pervasive effect; and thus the impression of a mechanistic institution, of a universal procrustean bed, which pervades Sonnet 87, giving it its scope and its distinction, simply fails to develop in Sonnet 49.

Sonnet 71, a poem not informed with legal terminology, nevertheless provides a more illuminating analogue to 87 than does 49; and it is also more nearly comparable to 87 in excellence. In 71, as in 87, Shakespeare has framed the question of personal affection and loyalty in a context not precisely suitable to it, in a context that proves, indeed, to be seriously inimical to personal concerns. The present context, however, is not the legal system but polite society or what the poet describes in the couplet as “the wise world.” The stress between personal and social concerns has been, as I will try to show, very forcefully developed in 71, although not as forcefully, finally, as the analogous conflict in 87.

No longer mourn for me when I am dead
 Than you shall hear the surly sullen bell
 Give warning to the world that I am fled
 From this vile world, with vilest worms to dwell.
 Nay, if you read this line, remember not
 The hand that writ it; for I love you so
 That I in your sweet thoughts would be forgot
 If thinking on me then should make you woe.
 O, if, I say, you look upon this verse
 When I, perhaps, compounded am with clay,

Do not so much as my poor name rehearse,
 But let your love even with my life decay,
 Lest the wise world should look into your moan
 And mock you with me after I am gone.

The poet advances two motives for his friend's ready forgetfulness: first, that remembrance might cause his friend "woe" (ll. 6-9); and, second, that any sign of woe on the friend's part might cause him social embarrassment (ll. 13-14). The first motive is explicitly rooted in the poet's firm affection for the friend; the second is immediately preceded by the poet's suggestion that the friend's "love" for him is or ought to be subject to the shifting of circumstances. As the two loves are thus distinguished, the poet's surely firm and the friend's possibly alterable, so are the two explanations of the friend's oblivion. The emphasis obviously falls on the second explanation since that is focused in a couplet and since it concludes the argument; and this emphasis on the friend's embarrassment, rather than his woe, implies something about the friend's affection and his nature.

In 71 as in 87, however, the poet seemingly approves the friend; indeed, he himself assumes a social attitude, an attitude of graceful diffidence toward himself, his love, and his death. His name he describes as a "poor name"; his poetry, as just one scribbled "line" or "verse" after the other; and his departure from life, as merely a modulation between degrees of vileness. The poet's assuming such an attitude toward himself naturally reinforces his insistence that the friend should not take his death too much to heart. The poet maintains this pose with the use of repetition, a practice that apparently transforms his statements into gestures. He employs parallel "if" clauses in the second and third quatrains; parallel "when" clauses in the first and third; and negative commands—"No longer mourn," "remember not," and "Do not . . . rehearse"—in each of the three. Emphatic expletives, "Nay," "I say," and "so much as," enforce this practice of elegant revision and restatement. As the poem proceeds, therefore, it presents us with a conflict between speech as assertion and speech as act; and, as the repetitions accumulate, resolves toward what we may call a speech-act equivalence. Or we may feel, simply, that the poet doth protest too much.¹⁸ The attitude of elegant and possibly insincere public insouciance is enriched by a number of essentially social terms: by "mourn"—instead of "grieve"—which recalls less the anguished heart than the inky cloak; and by the personifying terms "surly sullen," constituting a virtual repetition in themselves, that give the bell a social rather than a religious countenance. We may also notice the substitution of "look upon" for "read" in the second "if" clause; the virtual repetition of this indication of graceful indifference, "look into," which leads in the couplet to the supposed "mock" with which the poem closes; and, finally, the term "rehearse" with its strongly theatrical associations. Thus, as in 87, the

diction indicates a milieu that stands in serious opposition to the personal feelings that the poem considers.

Again as in 87, the personal concerns are pervasively evident. "Worms," even if their special vileness is reduced to some parallel relationship with the conventional vileness of the world, resist the suggested social transformation of everything. It is hard to forget that "men have died from time to time, and worms have [not dwelt with, but] eaten them." For all his diffidence toward his own death, the poet transposes "worms" into the superlative degree of vileness. The "clay," with which he will most likely be "compounded," may also remind the reader of an individual aspect of life toward which all social attitudes are inadequate. The personal realm is made explicit in the poet's first reason for his advice, especially in "love" and "woe," both of which dwell well beyond the uses or the benefits of society. And although the word "gone," which concludes the poem, gives a suitably polite disguise to the poet's fate, "dead," which stands at the end of the first line, acknowledges the reality. Thus the personal realm, in which love and death collide, declares itself even as the poet anchors himself in society and draws on public attitudes for his loving advice.

This conflict between the realm of love-and-death and that in which these personal realities provide cues for elegant or embarrassing attitudes receives an especially intense articulation in the third quatrain. The several expletives with which it is inflated suggest, as we have acknowledged, a pose of elegant relaxation, and thus augment its social surface. One of these terms, "perhaps," we may think of as softening the whole question of the poet's death and transforming his address into a game, a diverting exercise in let's pretend. On the other hand, this very term also intensifies the personal aspect of the poem. A colleague has suggested the presence of a vein of medieval Christian teaching and belief in this sonnet, evident in such terms as "bell," "worms," and "clay," that might allow "perhaps" to indicate the possibility that "I" may not be "compounded . . . with clay," but rather that "I" may be raised to dwell in heaven. The present implication of such a possibility, moreover, that is, our imaginative awareness of the poet's exalted spirit looking down upon the mean and craven conduct of his beloved friend, has an undeniable emotional appeal. But I do not, finally, find it in my experience of this poem. Sonnet 71 shares quite a few terms, admittedly, with such immediately relevant Christian materials as the orders for "The Visitation of the Sick" and "The Burial of the Dead" in *Queen Elizabeth's Prayer Book* of 1559—a book the contents of which Shakespeare must have known from childhood. But none of these shared terms, "dead," "decay," "dwell," "hand," "name," "rehearse," or "world," as used in 71 recalls those services or the Christian hope embodied in them. No expression in 71 has the suggestive force of the optative "Let

me not," which opens Sonnet 116 with a recollection of "The Solemnization of Matrimony" in the *Prayer Book*; and none of its terms enforces such a recollection as do "marriage" and "impediments" in 116. More to the present point, the terms 71 shares with the *Prayer Book* are much less dense as a system and much less suggestive individually than terms such as "charter," "bonds," "patent," and "judgment" occurring in 87. The poet has used these terms in 71, moreover, in ways that do not prompt—indeed, that dampen—any recollection of Christian discourse or Christian hope. We can hardly recall the priest's ceremonial readiness to "rehearse the articles of our faith" or his reliance on "our heavenly father's hand" or his vision of "world without end" from the present deployments of "rehearse," "hand," and "world." Or consider the inverted phrase, "with vilest worms to dwell": it does not allow even a flickering recollection of the Christian promise that the righteous will "dwell with [God] in life everlasting," any more than the poet's reference to his own "poor name" recalls "the name of the Father." The only term, finally, that unmistakably refers to the services of organized Christianity, "bell," clearly locates the present imaginative exercise outside the church.

The term "perhaps" in the present context brings to mind a quite different personal possibility from that which is emphasized in Christian teaching, a possibility that emerges as a reader compares the *when* clauses of this poem, in the second of which "perhaps" occurs, with its *if* clauses. Doing so reveals that the death of the poet, that is, his eventual dwelling with worms, is certain; whereas the friend's perusal of these lines is not. The poet cannot be sure, one infers, that the friend will ever bother to look upon these memorials of his love. This uncertainty generates another: it may be, "perhaps," that the friend will take the poet's advice before the poet is compounded with clay,¹⁹ that he will give up rehearsing the poet's "poor name" while the poet is still alive. His affection may "decay," not in elegant synchronization with the poet's life, but more quickly. The advice voiced in line 12 may not constitute a social courtesy, then, but a personal plea: it is, after all, as Sonnet 73 teaches, contrary to the development of sincere human affection.

Sonnet 71 is thus a tissue of explicit arguments and implicit contradictions, a profoundly articulated conflict between two incommensurable realms of human life. But why, it must be asked, if 71 is so profound—and in so similar a way—do I judge it less excellent than 87? I do so because of the diction of 87, that great wealth of terms permeated with the practices of institutional legality, which allowed the poet to develop the conflict between love and law with remarkable precision and intensity and to conclude it with a climactic reference at once surprising and inevitable.

Each actually and, as the poem develops, each possibly legal term in 87 provides a skirmish in the conflict between personal and legal values. Not

only does a pun like "bonds" engage the contending motives; but "estimate" and "determinate" also, although they are immediately relevant to dispositions of property, suggest personal dispositions too; and such terms as "matter," "cause," and "worth," although primarily personal in value, add weights to the legal scale. Thus the conflict between legal and personal motives, while being drawn discursively through the three quatrains of 87, intersects several points of special illumination. Not all of these terms have kept their legalistic meanings: although "charter" (partly because of the Great Charter) and "bonds" and "determinate" still maintain their edge, "hold" has weakened along with the practices and memories of feudalism, and "patent" has been re-shaped by our recent hanker for inventions. But the general pattern of legal usage, partly because it has been worked into 87 with such energy, stands as the sign of a persistent cultural practice among English-speaking people, an institution the forms and tendencies of which have been maintained, essentially the same, through the years. The practices of polite society, on the other hand, lacking such a monument in our language and so definite a presence in our sensibilities, Shakespeare could not impress on 71 with a comparable sharpness or to a comparable depth. He used a number of appropriate terms, as we have seen: "mourn," "world," "look," "surly," "rehearse," "mock." But none of these has the suggestive edge of the legal language in 87. "Mourn" does shade away from the personal sincerity of "woe," no doubt; but so much mourning is sincere—so many an inky cloak covers a suffering heart—that a reader must proceed, aided by the gradually evident repetitions and the developing tissue of the argument, to assemble the opposed realms of Sonnet 71 and to participate in Shakespeare's discrimination between them.²⁰ His account of this opposition is, by comparison with that presented in 87, diffuse; and his position, at least until the couplet, is tenuous.

With the mockery of "the wise world," 71 crystallizes quite beautifully; but even this intense and luminous moment is inferior to the corresponding moment in 87. The distinctively legal terminology represented, as we have seen, a distinctive legal structure, a pyramidal structure that would have been even more apparent to Elizabethan readers than to us, and implied a supreme legal presence, a king, in whom justice and equity ultimately focused. This made it possible for Shakespeare to end 87 in a way that was fresh, since the royal presence was barely hinted in the first twelve lines, and yet immediately relevant. The term "mock" in the couplet of 71 is also both new and clear; but Shakespeare had used other necessary terms, "look" and "world," before. In the first quatrain he twice employed "world," first deriving from it an obvious social significance and then, while observing its broader meaning, working it into a conventional social pose. This close-coupled repetition of the term both inflated the first

quatrain and lowered the shock, the force, of "world" as it appears in the couplet. But it was no doubt necessary to gloss this crucial term as the poet has done: even in the couplet, he has had to modify it as "the wise world" to establish its social meaning. He has successfully done so, it seems to me; and the reader greets the supposed mockery of society at the end of 71 with a sense of its literary propriety and of the coherence of the whole sonnet. But 87 is intensely vivid right from its opening paradox; and its conclusion is one of the great moments in English poetry.

NOTES

I am grateful to the editors of *The Compass* for their willingness to release a substantial portion of this chapter, which they had planned to produce, for publication in the present monograph.

1. W. H. Auden, "Shakespeare's Sonnets," *The Listener* 72 (1964): 9.
2. G. R. Elton, *The Tudor Constitution* (Cambridge: Cambridge, 1960), p. 20.
3. Sir Thomas Smith, *De Republica Anglorum* (1583; rpt. Menston: Scolar, 1970), pp. 44-45. This passage is quoted in *The Tudor Constitution*, p. 19.
4. Quoted in *The Tudor Constitution*, p. 18.
5. Quoted in Frederick George Marcham, *A Constitutional History of Modern England* (New York: Harper, 1960), p. 88.
6. Quoted in J. R. Tanner, *English Constitutional Conflicts of the Seventeenth Century* (Cambridge: Cambridge, 1952), p. 20.
7. Quoted in *The Tudor Constitution*, p. 17.
8. *English Constitutional Conflicts*, pp. 20-21.
9. There are a number of books that provide assistance on the legal terms and figures in the works of Shakespeare. The most valuable one for this study was: Paul S. Clarkson and Clyde T. Warren, *The Law of Property in Shakespeare and the Elizabethan Drama* (Baltimore: Johns Hopkins, 1942).
10. Mark Edwin Andrews, *Law Versus Equity in The Merchant of Venice* (Boulder: Colorado, 1965), pp. xi-xv and 54-55.
11. Quoted in *Law Versus Equity*, p. 54; also quoted in W. S. Holdsworth, *A History of English Law* (London: Methuen, 1926) vol. IX, p. 338.
12. *A History of English Law*, vol. IX, p. 338.
13. *Ibid.*
14. *Law Versus Equity*, pp. 54-55. Also see E. W. Ives, "The Law and the Lawyers," *Shakespeare Survey* 17 (1964): 84-85, for a description of equity procedures.
15. S. F. C. Milsom, *Historical Foundations of the Common Law* (London: Butterworths, 1969), pp. 74-88; especially p. 83. See also *De Republica Anglorum*, p. 46. W. Nicholas Knight, "Equity, *The Merchant of Venice* and William Lambarde," *Shakespeare Survey* 27 (1974): 96, writes: "The Lord Chancellor was regarded as the Keeper of the King's Conscience, regulating the monarch's justice with his mercy exercised as equity in Chancery."
16. *Law Versus Equity*, pp. 7-8 and especially 51-52.
17. Murray Krieger, in *A Window to Criticism* (Princeton: Princeton, 1964), pp. 136-137, notices this ambivalence.

18. See Michael Hancher, "Understanding Poetic Speech Acts," *College English* 36 (1975): 632-640, for an application of speech-act theory, as expounded primarily by J. L. Austin and J. R. Searle, to Sonnet 19.

19. Following in the wake of the unequivocal "dead . . . with vilest worms to dwell," "compounded . . . with clay" must mean, primarily, "turn'd to clay"—to use an expression of the rhyming Hamlet. Shakespeare has used "compound(ed)" elsewhere (*2 Henry IV*, IV, v, 115; *Hamlet*, IV, ii, 6) in this way—with "dust," however, rather than "clay." But Shakespeare also uses "compound(ed)" to mean "composed" or "made of"—once (*2 Henry IV*, I, ii, 8) describing "man" as "foolish-compounded clay." Thus the possibility that the friend may cease loving the poet while he is still alive, that is, while he is still a composite of flesh and blood, is allowed by the expression, "compounded . . . with clay." Since Shakespeare also describes a grave as "a pit of clay" (*Hamlet*, V, i, 120), however, in which a corpse might be "compounded" ("enclosed"), the primary meaning, "reduced to dust" or "mingled with earth" clearly predominates.

20. See Philip Martin, *Shakespeare's Sonnets* (Cambridge: Cambridge, 1972), pp. 97-99, 140-141, and 151-153—especially pp. 97-99—for a recognition of the differences between different modern interpretations of the tone of this poem—and, hence, for an implicit admission of my argument. Professor Martin, to be fair, asserts his own interpretation, with which I only partially agree, with confidence.